

REMARKS

Claims 1-25 are pending in this application. Claims 1-2, 4-5, 8-9, 11-12, 16-17 and 19-20 are amended, claims 3, 10 and 18 are cancelled, and claims 23-25 are added herein.

Claims 1, 8 and 16 remain independent.

The drawings are objected to. Formal drawings are submitted herewith to address the Examiner's noted concerns. Accordingly, it is respectfully requested that the objection to the drawings be reconsidered and withdrawn.

Claims 1-7 stand rejected under 35 USC §101 as directed to non-statutory subject matter. The rejection is respectfully traversed.

Claims 1-7, as originally filed, are directed to making payments via a network, and include such steps as processing and transmitting. Accordingly, it is respectfully submitted that the originally presented claims meet the mandates of 35 USC §101 and recite an invention within the technological arts.

As amended, the claims require a network session, and thus also meet the mandates of 35 USC §101, without reciting a computer in the body of the claims.

However, to avoid unnecessary delays in the issuance of a patent on the invention claimed herein, claim 1 is amended to recite that at least one of the verifying, storing and directing are performed by a computer.

Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

Claims 1-22 stand rejected under 35 USC §102(e) as anticipated by Randle, et al. (U.S. Patent No. 6,594,647 B1). The rejection is respectfully traversed.

The claims are amended solely for clarification and to eliminate unnecessary

limitations, and not for purposes of patentability.

Each of the present claims is directed to a technique, system or software that allows a user who was previously unknown to a payment service provider, to present the service provider with information which identifies the user and the user's payment account as well as with a request for the payment service provider to execute a payment on behalf of the network user during a network session. The payment service provider then directs a debiting of the user's payment account to execute the requested payment without receiving a unique user ID (established for the user during the network session) during another network session or otherwise.

Thus, according to the claims, a user can, for example, enroll with a payment service provider and request that the payment service provider execute a payment on the user's behalf during the enrollment session. The payment service provider can then proceed with the execution of the requested payment without the need for the user to establish another session with the payment service provider after enrollment and present the payment service provider, during this other network session, with the unique user ID established for the user during the enrollment session.

As detailed in the present specification, it is respectfully submitted that the invention, as described and claimed, solves a problem in conventional systems, such as that disclosed by Randle, which prevented an enrolling user from requesting the execution of a payment on its behalf by a payment service provider, which the payment service provider would proceed to execute without the need for the network user to subsequently present the user ID (established during the enrollment process) during another session with the payment service provider.

As described by Randle, for example in the referenced text in column 7, lines 15-

27, the customer applies for BITS membership at its bank during an enrollment process, and lists one or more merchant companies. If any of these merchant companies are not already members, they must also apply for BITS membership and bill presentment/bill payment services. The customer's bank and merchant's bank then send the BITS applications to the ECTS1, which issues a bank branded BITS card 7 to the customer and a company account to the merchant company.

As further described by Randle in, for example, column 7, lines 32-44, a customer can only request the payment service provider to make a payment on its behalf after the customer's application has been sent to the ECTS1, and the ECTS1 has issued a bank branded BITS card to the customer. More particularly, to obtain payment services, the customer, as described in column 7, slides the BITS card through a card reader at the point of sale or (as shown in Figure 6b) through a BITS card reader 10 located with the customer's home PC.

Accordingly, it is respectfully submitted that Randle lacks any teaching, or suggestion, of a payment service provider receiving a payment request to execute a payment on behalf of a previously unknown network user, along with information identifying the user and the user's payment account. Also lacking is any disclosure in Randle to suggest that a payment service provider receives or generates a unique user ID during such a network session, which is stored by the payment service provider in association with received information that identifies the user and the user's payment account, and proceeds to direct a debit from the user's payment account to execute the requested payment, if the received information identifying the user and the user's payment account are verified without, the payment service provider receiving the unique user ID during another network session.

Accordingly, it is respectfully submitted that claim 1 and its dependencies (i.e., claims 2-7 and 23), claim 8 and its dependencies (i.e., claims 9-15 and 24) and claim 16 and its dependencies (i.e., claims 17-22 and 25), patentably distinguish over the applied art. It is therefore respectfully requested that the rejection of the claims be reconsidered and withdrawn.

It is further respectfully submitted that other features recited in the dependent claims further distinguish over the applied prior art.

For example, claim 2 requires that the unique user ID is generated by the payment service provider and transmitted during the network session (e.g., the enrollment session) if the received information identifying the user and the user's payment account is verified, and that either a verification or non-verification is also transmitted by the payment service provider during the network (e.g., enrollment) session.

It is respectfully submitted that Randle lacks any disclosure of such features.

Claim 4 requires that the generated unique user ID be transmitted with a notice of verification of the received information identifying the user and the user's payment account and an acceptance of the payment request for execution.

New claim 23 requires that, during another network session, the payment service provider receive the unique user ID and another payment request to execute another payment on behalf of the network user, and that a debit be directed from the user's payment account to execute the requested other payment based on the unique user identifier received during this other session.

Dependencies of independent claims 8 and 16 also further distinguish over the applied prior art on grounds which are believed to be clear from the above.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 1158.41327CX1) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Alfred A. Stadnicki
Registration No. 30,226

1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209
Tel.: 703-312-6600
Fax.: 703-312-6666

AAS/slk